

FILED

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

JAN 14 2009

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellant,  
Cross - Appellee,

v.

BERNARD LENWOOD WAYBRIGHT,

Defendant - Appellee,  
Cross - Appellant.

Nos. 08-30263, 08-30264

D.C. No. 9:08-cr-00016-DWM  
District of Montana,  
Missoula

ORDER

The motions of plaintiff-appellant and defendant-appellee for voluntary dismissal of cross-appeal Nos. 08-30263 and 08-30264 are granted. Appeal Nos. 08-30263 and 08-30264 are dismissed. *See* Fed. R. App. P. 42(b); 9th Cir. R. 27-9.1.

This order served on the district court shall act as and for the mandate of this court for cross appeal Nos. 08-30263 and 08-30264.

FOR THE COURT:

Molly Dwyer  
Clerk of Court

By: David J. Vignol  
Deputy Clerk